

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**EUGENE DIVISION**

**BRANDY MAE CASSITY,**

Plaintiff,

No. 6:20-cv-02139-MK

v.

**ORDER**

**FEDLOAN SERVICING;  
DOES 1-100 INCLUSIVE,**

Defendants.

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AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation filed by Magistrate Judge Mustafa Kasubhai on April 28, 2022. ECF No. 48. The Court previously dismissed the original Complaint in this case with leave to amend, consistent with Judge Kasubhai's recommendation. ECF Nos. 31, 37. Plaintiff filed her First Amended Complaint, ECF No. 39, and Defendant has moved to dismiss. ECF No. 40. Plaintiff has filed a motion to strike. ECF No. 45. Judge Kasubhai recommends that the motion to dismiss be granted and the motion to strike be denied. Judge Kasubhai also recommends that dismissal be with prejudice.

Under the Federal Magistrates Act, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge's findings and recommendations, "the court shall make a *de novo* determination of those portions of

the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, Plaintiff has filed Objections, ECF No. 53, and Defendant has filed a Response, ECF No. 54. The Court has reviewed the record, the F&R, the Objections, and Response and finds no error. The F&R, ECF No. 48, is therefore ADOPTED. Defendant’s Motion to Dismiss, ECF No. 40, is GRANTED and Plaintiff’s Motion to Strike, ECF No. 45, is DENIED. This case is DISMISSED with prejudice and final judgment shall be entered accordingly.

It is so ORDERED and DATED this 10th day of June 2022.

/s/Ann Aiken  
ANN AIKEN  
United States District Judge